

TWENTY-FIFTH DAY

(Tuesday, March 1, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Willis

Absent—Excused

Fuller	Wagonseller
Lane	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we pray that we may learn in silence how to work, wait, and worship. Six days we are to work; wait in Thy presence for the renewing of our strength; and life is colored and controlled by the objects we worship. Give us grace to crucify self, and crown Christ in all our words and work today. We pray in His name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Wagonseller was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Moore.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senate Resolution 88

Senator Roberts offered the following resolution:

Whereas, It has come to our attention that the charming and beautiful wife of our distinguished colleague, the Honorable Wayne W. Wagonseller, is ill, and

Whereas, Her illness is the concern of all his many friends in the Senate, therefore be it

Resolved, That we hereby extend to our colleague, Wayne Wagonseller, our sincere sympathy and our prayers for an early restoration to health of his sweet wife, Mina.

ROBERTS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Weinert, Willis.

The resolution was read.

On motion of Senator Moore the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Reports of Standing Committees

Senator Colson submitted the following reports:

Austin, Texas
February 28, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman

Austin, Texas
February 28, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 251, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman

Austin, Texas
February 28, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 145, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

COLSON, Chairman

Austin, Texas
February 28, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

COLSON, Chairman

Senator Secrest submitted the following reports:

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 125, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SECREST, Vice-Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
February 28, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 165, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Acting Chairman.

Austin, Texas,
February 28, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 196, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Acting Chairman.

Austin, Texas,
February 28, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 226, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Acting Chairman.

Austin, Texas,
February 28, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 164, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Acting Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 227, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 263, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred S. B. No. 188, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 146, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Resolution Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled resolution:

H. C. R. No. 31, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 104.

Message from the House

Hall of the House of Representatives,
Austin, Texas
March 1, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. 36—Recalling House Bill No. 151 from the Governor.

H. B. No. 45, A bill to be entitled "An Act to amend Article 57 of House Bill No. 6, Chapter 492, Acts Fifty-second Legislature, Regular Session, 1951, the Election Code of the State of Texas, to provide that the name of no candidate shall appear more than once upon the official ballot, except as a candidate for two (2) or more offices permitted by the Constitution to be held by the same person; and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act providing for the return of persons released from State Schools for the feeble-minded or mentally retarded to the committing county; and declaring an emergency."

H. B. No. 213, A bill to be entitled "An Act amending Article 11.19, Chapter 11, of the Insurance Code of the State of Texas, Revised Civil Statutes of Texas of 1925, relating to mutual legal reserve companies having a surplus equal to the capital and surplus requirements of a capital stock company, as provided in Article 3.02, Chapter 3, Insurance Code of the State of Texas, Revised Civil Statutes of Texas of 1925."

H. B. No. 355, A bill to be entitled "An Act permitting the Board for Texas State Hospitals and Special Schools to provide or perform necessary treatment and medical services to persons admitted or committed to its care without the consent of responsible relatives or guardians in certain cases; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act authorizing the superintendent of State Mental Hospitals to furlough certain persons committed to their care; providing a method of contracting for such persons' care and maintenance; making the necessary appropriations for such purpose; providing for reimbursement to the State of any funds so expended and defining those legally liable for such reimbursement; providing that if any provisions of this Act shall be held invalid the validity of other provisions shall not be affected; and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act providing for additional compensation for the County Judge of Bexar County for serving as a member of the County Juvenile Board; naming the fund out of which the additional compensation shall be payable; providing that this Act shall be cumulative of existing laws; providing for a severability clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following Senate bills were introduced, read first time and referred to the committees indicated:

By Senator Corbin:

S. B. No. 267, A bill to be entitled "An Act regulating the sale of burial space and funeral merchandise and services; requiring certain licenses

and permits and fees therefor in connection with the sale of these properties and services and imposing conditions and restrictions on their sale; creating the Memorial Tribute Board for administration of this Act; providing penalties for violation of the Act; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senators Wagonseller and Moore:

S. B. No. 268, A bill to be entitled "An Act amending Chapter 465, Acts of the Fifty-first Legislature (being the law creating Eastland County Water Supply District), as amended by Chapter 384, Acts of the Fifty-third Legislature, by making certain changes with reference to the election of directors; by expressly authorizing the district to sell any real or personal property not needed by it; and by correcting a typographical error in Section 6 of said law; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Ratliff:

S. B. No. 269, A bill to be entitled "An Act to confirm and validate all deeds of acquittance issued on lands lying across or partly across watercourses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to grantees and their assignees all of such lands, and minerals therein contained, across watercourses of navigable streams and also the beds or abandoned beds thereof, and minerals therein contained, where such deeds of acquittance have been issued and outstanding for a period of ten years from the date thereof and have not been cancelled or forfeited, without impairing the rights of the general public, the State, riparian owners or appropriation, owners in the waters of such streams, and providing that with respect to lands sold by the State of Texas expressly reserving title to minerals in the State, such reservation shall not be affected by this Act and that the grantees and their assignees shall have the same rights, title and interest in the minerals in the beds or abandoned beds of such watercourses or navigable streams that they have in the uplands covered by the same deeds of acquittance; and providing that all of the provisions of this Act

shall apply equally to all Spanish and Mexican land grants and titles issued by the Spanish and Mexican Governments prior to the Texas Revolution of 1836, which have been subsequently recognized by the Republic of Texas or by the State of Texas as valid; providing that the rights of parties involved in pending litigation shall not be affected; declaring all laws in conflict herewith are repealed; providing that this Act shall be cumulative of existing laws on the subject; providing that if any portion of this Act is held unconstitutional, the balance thereof shall be upheld; providing for effective date of this Act; and declaring an emergency."

To the Committee on State Affairs.

By Senator Rogers of Travis:

S. B. No. 270, A bill to be entitled "An Act to amend Article 5160, Revised Civil Statutes of Texas, 1925, as amended, so as to simplify the method of filing claim under the usual penal bond on public works; and to extend the definition of labor and materials; and declaring an emergency."

To the Committee on State Affairs.

By Senator Ashley:

S. B. No. 271, A bill to be entitled "An Act amending Section 20 of Article 8306, Revised Civil Statutes of Texas, 1925, which defines occupational diseases under the Workmen's Compensation Law, so as to add the disease of psittacosis; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Lock:

S. B. No. 272, A bill to be entitled "An Act amending and revising Article 9.11 of Chapter 9 of the Insurance Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491, providing that every company, foreign and domestic, doing a title insurance business shall establish, segregate and maintain an unearned premium or reinsurance reserve which shall at all times and for all purposes be deemed and shall constitute unearned portions of the original premiums and shall be charged as a reserve liability of such company in determining its financial condition; such reserve to be cumulative and consist of the reserve required to be established by such companies up to the effective date of this Act, pursuant to Article 9.11 of the Insurance

Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491; and a reserve of five per cent (5%) of the gross premiums collected by every such company for title insurance policies and mortgagee's policies issued from the effective date of this Act; defining gross premiums; providing that unused portion of the unearned premium reserve established more than one hundred eighty months shall be released from such unearned premium reserve; providing that such unearned premium reserve shall be set aside monthly and providing that the total amount of such reserve shall never be required to exceed One Hundred Thousand (\$100,000.00) Dollars and when once increased to One Hundred Thousand (\$100,000.00) Dollars that such amount shall remain; providing that such reserve shall be set apart and maintained as a separate reserve fund; providing that such fund shall only be used for losses connected with title insurance and in case of insolvency of the company such reserve shall be used to protect title insurance policyholders; repealing all laws and parts of laws in conflict herewith; providing that a holding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

To the Committee on Insurance.

Presentation of Guests

Senator Ratliff by unanimous consent presented on behalf of Senator Wagonseller the Civics Class of the Cisco High School and the teacher Mrs. Edward Lee to the Members of the Senate.

Senate Resolution 89

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. R. D. Pritchett, Mrs. Willie Dunn, Mrs. Emma Lee Samford, Miss Janice Nance, Miss Dorothy Liggett, Mr. H. C. Marshall and Mr. M. L. Faulkner, all of Wichita Falls, Texas, and Mr. George A. Mocek of Seymour, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Resolution 90

Senator Secrest offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate 45 ladies of the Bell County Home Demonstration Council; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the guests to the Members of the Senate.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
February 28, 1955.

To the Senate of the Fifty-fourth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the Board of Public Welfare to fill the unexpired term of J. Earl Rudder, resigned, term to expire January 20, 1959:

John Womble of El Paso, El Paso County.

To be Branch Pilot for Galveston Bar and Houston Ship Channel for term to expire December 16, 1956:

I. E. Wicker of Harris County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Senate Resolution 91

Senator McDonald offered the following resolution:

Whereas, Mr. Samuel J. Levine, General Manager of the Home Heating and Cooling Department of the General Electric Company, has officially announced that the General Electric Company will build a Fifteen-

Million-Dollar plant in the City of Tyler, Texas; and

Whereas, This new General Electric installation will be the Company's first major manufacturing plant in Texas and the fourteenth largest facility to be established in the South by the General Electric Company; and

Whereas, In addition to the plant the General Electric Home Heating and Cooling Department Headquarters will be moved from Bloomfield, New Jersey, to Tyler, Texas; and

Whereas, Many of General Electric's technical and specialist employees will be transferred from Bloomfield to the Tyler plant; now, therefore, be it

Resolved, By the Senate of Texas, That the General Electric Company be congratulated upon its selection of Tyler as a place to establish its new plant and that the Senate in behalf of the State of Texas officially welcome General Electric's new plant, Mr. Samuel J. Levine, General Manager of the Home Heating and Cooling Department of the Company, and the many Company employees who will move to Texas; and be it further

Resolved, That this resolution be printed in today's Senate Journal and that a copy of this resolution be transmitted to Mr. R. J. Corbiner, President of the General Electric Company, and Mr. Samuel J. Levine, General Manager of the new plant at Tyler, Texas.

The resolution was read and was adopted.

Senate Resolution 92

Senator Latimer offered the following resolution:

Whereas, We are honored today to have in the gallery the Government Class from Trinity University of San Antonio, Texas, accompanied by their teacher, Mr. Bob Hunter, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, prop-

erly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Latimer by unanimous consent presented the students and Mr. Hunter to the Members of the Senate.

Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented the Senior Class of the Pflugerville High School and the teacher Mr. R. E. Hendrickson to the Members of the Senate.

Committee to Escort the Honorable Seaborn Collins to Joint Session

The President announced the appointment of the following committee pursuant to the provisions of S. C. R. No. 13: Senators Kelley, Moffett, Phillips, Kazen and Fuller.

Reports of Standing Committees

Senator Rogers of Childress, by unanimous consent, submitted the following report:

Austin, Texas

February 28, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred S. B. No. 172, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROGERS of Childress, Chairman

Senator Fly, by unanimous consent, submitted the following report:

Austin, Texas

March 1, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 280, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

FLY, Chairman

Senator Shireman, by unanimous consent, submitted the following report:

Austin, Texas

February 25, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 176, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman

House Concurrent Resolution 36 on Second Reading

On motion of Senator Strauss, and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 36—Recalling H. B. No. 151 from the Governor.

The resolution was read the second time and was adopted.

Senate Concurrent Resolution 22

Senator Bracewell offered the following resolution:

S. C. R. No. 22, Granting United Gas Pipe Line Company permission to sue the State of Texas.

Whereas, United Gas Pipe Line Company is a Delaware corporation with a permit to do business in the State of Texas and has been doing business continuously in Texas since 1943; and

Whereas, The said United Gas Pipe Line Company has paid to the State of Texas gas gathering taxes beginning in the month of September, 1951, and continuing through June, 1952, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved by the Senate of Texas with the House of Representatives concurring, That United Gas Pipe Line Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by United Gas Pipe Line Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two years from the effective date of this resolution; and be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or of any fact is made by this resolution.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 23

Senator Bracewell offered the following resolution:

S. C. R. No. 23, Amending Joint Rules of the Senate and House of Representatives.

Be it resolved by the Senate of Texas, the House of Representatives

concurring, That the Joint Rules of the two Houses be and the same are hereby amended by adding a new rule to be numbered 9b to read as follows:

"9b. During the first forty-five (45) calendar days of a regular session it shall not be in order for the chairman of any committee to lay before the committee for consideration any bill except the following:

(1) Those necessary to provide for the expenses of the Legislature.

(2) The biennial general appropriation bill.

(3) Such emergency matters as may be submitted by the Governor in special messages to the Legislature.

(4) Matters recommended by the Legislative Council."

The resolution was read and was referred to the Committee on Rules.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 37, Extending congratulations to Major-General Benjamin D. Foulias.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

House Concurrent Resolution 37 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 37, Extending congratulations to Major-General Benjamin D. Foulias.

The resolution was read the second time.

On motion of Senator Latimer, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 94

Senator Rogers of Travis offered the following resolution:

Whereas, We are honored today to have in the gallery 28 students of the Texas School for the Blind, accompanied by their teachers, Mrs. Louise H. Hancock and F. G. Tacquish; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Rogers of Travis, by unanimous consent, presented the students and their teachers to the Members of the Senate.

Senate Bill 249 Ordered Not Printed

On motion of Senator Willis, and by unanimous consent, S. B. 249 was ordered not printed.

Senate Bill No. 199 on Second Reading

The President laid before the Senate as pending business S. B. No. 199 on its passage to engrossment (the bill having been read the second time on Monday, February 28, 1955).

Question—Shall S. B. No. 199 be passed to engrossment?

Senator Owen offered the following amendment to the bill:

Amend S. B. 199, Sec. 2, by adding after the word "lands" in line 30 and before the word "included" the following:

"except all property owned by railroads and public utilities not using the facilities of such district,"

OWEN
HARDEMAN

The amendment was adopted.

On motion of Senator Owen, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Martin asked to be recorded as voting "nay" on the passage of S. B. No. 199 to engrossment.

Senate Bill No. 199 on Third Reading

Senator Owen moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 199 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Willis
Moffett	

Absent

Hazlewood

Absent—Excused

Fuller	Wagonseller
Lane	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
McDonald	Willis
Moffett	

Nays—1

Martin

Absent—Excused

Fuller Wagonseller
Lane Weinert

House Concurrent Resolution 33 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 33, Expressing appreciation to Houston Representatives and the City of Houston for Fat Stock Show courtesy.

The resolution was read second time.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill No. 249 on Second Reading

Senator Willis moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 249 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Willis

Absent—Excused

Fuller Wagonseller
Lane Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 249, A bill to be entitled "An Act amending Article 2875, Revised Civil Statutes of 1925, so as to permit common school districts with a scholastic population of 2500 or more to requisition textbooks in the same manner as city and town superintendents; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 249 on Third Reading

Senator Willis moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 249 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Shireman
Lock	Strauss
Martin	Willis
McDonald	

Absent

Secrest

Absent—Excused

Fuller Wagonseller
Lane Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Willis

Absent—Excused

Fuller Wagonseller
Lane Weinert

Senate Resolution 95

Senator Colson offered the following resolution:

Whereas, Honorable Wardlow Lane, one of our most highly respected colleagues, and an outstanding and able Member of this and previous Legislatures of the State of Texas, is recuperating from surgery in the M. D. Anderson Hospital, Houston, Texas; and

Whereas, It is the desire of the Senate to express the hope for his speedy recovery; now, therefore, be it

Resolved, That this expression of our best wishes be extended Senator Lane, and that he be furnished with a copy of this resolution as a token of our esteem.

COLSON
MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Latimer, Lock, Martin, McDonald, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Aikin the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 15, That the Legislature of the State of Texas, pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the U. S. to call a convention for proposing the following Article as an amendment to the Constitution of the U. S. in lieu of Article V.

H. B. No. 482, A bill to be entitled "An Act re-enacting and amending Chapter 76, Acts of the 50th Legis-

lature, 1947 (codified as Article 6243g-1 of Vernon's Texas Civil Statutes), creating a Police Officers' Pension System in cities of 384,000 or more inhabitants; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

**Senate Concurrent Resolution No. 11
on Second Reading**

Senator Lock moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 11 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Willis

Absent—Excused

Fuller	Wagonseller
Lane	Weinert

The President laid before the Senate on its second reading the following resolution:

S. C. R. No. 11, Granting Earl P. Rushing permission to sue the State of Texas.

The resolution was read the second time and was adopted.

**House Bills and Resolutions on
First Reading**

The following bills and resolutions received from the House were read and were referred to the committees indicated:

H. B. No. 228, to Committee on State Highways and Motor Traffic.

H. B. No. 269, to Committee on Educational Affairs.

H. B. No. 46, to Committee on Oil,
Gas and Conservation.

H. C. R. No. 32, to Committee on
Civil Jurisprudence.

H. B. No. 377, to Committee on
State Affairs.

H. B. No. 355, to Committee on
State Affairs.

H. B. No. 334, to Committee on
State Affairs.

H. B. No. 331, to Committee on
State Affairs.

H. B. No. 213, to Committee on
Insurance.

H. B. No. 45, to Committee on
Privileges and Elections.

H. C. R. No. 29, to Committee on
State Affairs.

Adjournment

On motion of Senator Hardeman the
Senate at 11:40 o'clock a. m. ad-
journed until 10:30 o'clock a. m.
tomorrow.

In Memory of The Texas Seabees

Senator Rogers of Travis offered the following resolution:

(Senate Resolution 93)

Whereas, The U. S. Naval Construction Battalions (better known as Seabees) were the one big NEW military organization of World War II, being born in the hours of terrible emergency just 21 days after the attack on Pearl Harbor; December 28, 1941, being the exact date that the Chief of the Navy Bureau of Yards and Docks, Vice Admiral Ben Moreell, Chief of Navy Civil Engineers, received permission to form this new branch to the Navy; and

Whereas, Admiral Moreell instructed his Administrative Assistant, Captain John R. Perry, a native-born son of Waco, Texas, and a graduate of the U. S. Naval Academy, to perform the monumental task of recruiting, organizing and training officers and men from the building trades; men with mechanical know-how; builders who could be rushed to the Pacific Islands; men who could fight jungles as well as an enemy; men who were accustomed to loneliness and danger; men who could go into battle, if necessary, with little or no military training; and

Whereas, The U. S. Navy called for volunteers, and a quarter of a million of these construction men volunteered to put on uniforms and, within a few days, U. S. Naval Training Stations were turning out full thousand-man battalions, and the sailors with the letters "CB" sewn on their sleeve became a familiar sight around embarkation ports, and sea-going sailors were quick to distinguish these older men by calling them Seabees, and the builders liking that name, adopted it; it being on March 5th that the U. S. Naval Construction Battalions were officially granted permission to assume the name of Seabee; and

Whereas, For twelve years the Seabees have celebrated their anniversary on the 28th of December, right after the celebration of the Christmas season and just prior to the New Year celebration, and they have found it difficult to arrange festivities to honor the occasion; and

Whereas, This year Rear Admiral John R. Perry, Chief of the Navy Bureau Yards and Docks, now "boss" of the Seabees, has given relief to this condition by officially changing the birthday of the Seabees to March 5th, the date they assumed the name Seabees; now, therefore, be it

Resolved, By the Senate of Texas, that since several thousand Seabees enlisted from Texas, and that the 99th U. S. Naval Construction Battalion was officially known and recognized as Texas' own "Lone Star Battalion," and that many Texas Seabees gave their lives and many more were wounded in World War II and also during the Korean conflict, and that the Seabees continue to serve their country, both on active duty and in the Reserve, we, the Senate of Texas, acknowledge and endorse the change of anniversary date to March 5th, and urge all citizens of Texas to remember these gallant men on that date and to join with them in the observance of their 13th birthday on March 5, 1955; and be it further

Resolved, That we pause to remember these Texas Seabees who have given their lives for our country:

Name	Home Town	Date of Death	Place	CB-Unit
J. D. DeMoney	Houston	19 Feb. 1945	Iwo Jima	133 NCB
Gustav F. Dresner	Houston	2 July 1943	Rendova	24 NCB
James E. Estill	Hamilton	25 July 1944	Guam	2 SpNCB
Grady L. Hart	Aransas Pass	24 May 1945	Guam	136 NCB
Francisco R. Jaramillo	El Paso	25 April 1945	Iwo Jima	95 NCB
John P. Mansfield	Port Arthur	1 Feb. 1943	Tulagi	
Lloyd W. McCaslin	Brownwood	4 March 1944	Admiralties	40 NCB
Fred B. Morrow	Dallas	11 Oct. 1943	Guadalcanal	4 SpNCB
Charles O. Shuttleworth	Atlanta	10 Sept. 1943	Safta, Italy	1006 NCB
Ralph C. Wendell	Rockport	26 July 1943	Rendova	24 NCB
Isaac Willingham	Sherman	9 June 1944	Normandy	108 NCB
Lee Arthur Wilson	Del Rio	1 Aug. 1943	Rendova	24 NCB

And that when the Senate adjourns today it do so in memory of these gallant and heroic men.

The resolution was read.

On motion of Senator Rogers of Travis and by unanimous consent the resolution was considered immediately and was adopted.